

IN THE DRAWING

Please amend the drawing by adding the new drawing sheet 24 of 24 appended hereto as Appendix A.

REMARKS

Claims 1-22 are pending in the application. Claims 1-3, 10 and 12-22 have been amended. Reconsideration of this application is respectfully requested.

It is noted with appreciation that the Office Action has indicated that claims 4, 5, 9, 13, 14 and 17-20 would be allowable if rewritten to include all the limitations of the base claim and of any intervening claims.

The Office Action has objected to the claims because the original claims contain two claims numbered 11. The Office Action renumbered claims 11-21 as claims 12-22, with second originally numbered claim 11 being claim 12. Claims 12-22 have been amended to conform to the new numbering and the dependencies of claims 13, 14 and 16-20 have also been changed to conform to the new numbering. It is submitted that these amendments affect form only and not substance.

The Office Action has objected to the drawing because they are incomplete, citing CFR 183 (b). The drawing has been amended by adding a new drawing sheet (24 of 24) that contains new Figure 26, subject to the approval of the Examiner. The specification has also been amended at page 3 to add Figure 26 to the Brief Description of the Drawings and at page 35 to add an accompanying description for new Figure 26. Support for new Figure 26 and the accompanying description is found in the original specification at least at pages 4-6, page 9, lines 1-5, page 10, lines 6-10, page 13, line 25, to page 14, line 20, page 19, lines 6-15, and page 21, lines 5-17, and in the original claims. Accordingly, it is submitted that the objection to the drawing is obviated by the amendment and should be withdrawn.

Claims 1-3, 10 and 21 have now been amended to take care of antecedent issues. It is submitted that these amendments affect only form and not substance.

Claim 10 has been further amended by changing "secondary modeler" to "on-line noninvasive secondary modeler".

The Office Action rejects claims 1-3, 6-8, 10-12, 15, 16, 21 and 22 under 35 U.S.C. 102(b) as anticipated by U.S. Patent No. 4,987,598 to Eriksson, hereafter Eriksson.

This rejection is respectfully traversed. Eriksson lacks one or more elements/steps of independent claims 1, 6, 10, 15 and 21. Eriksson's system models the transfer functions with the control system turned off. Therefore, Eriksson lacks "on-line noninvasive modeling" as recited in independent claims 1, 15 and 21. Eriksson further lacks "an on-line noninvasive modeler" as recited in independent claims 1, 6 10 (as amended) and 21.

It is noted that Eriksson uses LMS filters to identify the primary and secondary paths. Eriksson's active control is turned off whenever the environment changes. That is, the secondary source must be turned off. The primary path is then identified, the secondary path is turned on, the secondary path is identified using the a primary path solution, the secondary source is turned off, then the Filtered-X LMS filter uses the secondary model to hone in on the correct filter coefficients.

In contrast, the claimed system and method is an on-line system as the secondary source need not be turned off.

For the reason set forth above, it is submitted that the rejection of claims 1-3, 6-8, 10-12, 15, 16, 21 and 22 under 35 U.S.C. 102(b) as anticipated by

Eriksson is erroneous and/or obviated by the amendment and should be withdrawn.

It is respectfully requested for the reasons set forth above that the objections to the drawing and the claims be withdrawn, that the rejection under 35 U.S.C. 102(b) be withdrawn, that claims 1-22 be allowed and that this application be passed to issue.

Respectfully Submitted,

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EXHIBIT A